



Agenda Date: 2/28/2006
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Estimated Report Time: 1 Hour

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Steven Lederer for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Heather McCollister, Principal Planner , 299-1348
SUBJECT: Public Hearing - Appeal - Gamble v. Miller-Sorg

RECOMMENDATION

Consideration and possible action regarding an appeal filed by Farella Braun and Martel on behalf of their client, Tom Gamble, of a decision by the Zoning Administrator (ZA) on November 23, 2005 to approve a minor use permit modification (P05-0301-MODMINOR) for the Villa Berryessa subdivision. The modification would permit stick-built units or modular units, adjust the approved lot configuration, adjust the overall layout and street alignment, decrease the amount of grading work, and relocate the water intake system to comply with the applicable conditions and mitigation measures as approved by the Napa County Board of Supervisors in 1997. Additionally, some conditions of approval require minor changes in the timing of implementation. The Zoning Administrator also made advisory recommendations regarding minor and non-substantive changes to the conditions of the related Tentative Map (95071-SUB) for consideration by the Board at the time the final map comes before them for action. The project is located on a ±141.84 acre parcel, on the north side of Pope Canyon Road approximately 1500 feet west of its intersection with Berryessa-Knoxville Road within a PD (Planned Development) zoning district and an area designated UR (Urban Residential) by the Napa County General Plan (Assessor's Parcel Number #019-080-003), Napa, CA.

ENVIRONMENTAL DETERMINATION: Addendum to a Supplemental Mitigated Negative Declaration to Environmental Impact Report - FEIR-038 prepared (State CEQA guidelines 15164 for minor changes to the project as approved by the Villa Berryessa Use Permit (95070-UP) and Tentative Map (95071-SUB)). (The proposed use permit modification does not constitute a substantial change to the project that would require major revisions to the prior environmental document due to the involvement of new significant environmental impacts. Also no substantial changes in circumstances under which the project would be undertaken and no new information of substantial importance necessitates additional review. An explanation of the decision not to prepare an additional environmental document is contained in the Addendum pursuant to State CEQA Guidelines Section 15164.)

EXECUTIVE SUMMARY

This hearing before the Board is to consider an appeal of the Zoning Administrator's November 23, 2005 decision to approve a minor modification to the approved use permit (#95070-UP) regarding a subdivision near Lake Berryessa. The proposed changes to the approved use permit were initiated last summer following discussions

with county staff and state and federal agencies. During these discussions it was evident that minor changes to the lot configuration, street layout and pad elevations would reduce the environmental impacts, protect the site resources (minimize impacts to streams and reduce the amount of total site grading) and would result in a final project design that would comply with the requirements of state and federal agencies. The Zoning Administrator's decision, if upheld by the Board, would modify the use permit conditions but would not alter or approve the subdivision map, which will be forwarded to the Board for review and approval at a later date.

The appellant has argued that the Zoning Administrator 1) improperly approved major modifications to the conditions of approval for the project's tentative map; 2) that the approval of the use permit modification was improper because it occurred prior to the formal approval by the Board of the tentative map; and 3) that the tentative map was invalid because they believe it has expired. These arguments have been responded to in the Background section below.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Addendum to a Supplemental Mitigated Negative Declaration to Environmental Impact Report - FEIR-038 prepared (State CEQA guidelines 15164 for minor changes to the project as approved by the Villa Berryessa Use Permit (95070-UP) and Tentative Map (95071-SUB)). (The proposed use permit modification does not constitute a substantial change to the project that would require major revisions to the prior environmental document due to the involvement of new significant environmental impacts. Also no substantial changes in circumstances under which the project would be undertaken and no new information of substantial importance necessitates additional review. An explanation of the decision not to prepare an additional environmental document is contained in the Addendum pursuant to State CEQA Guidelines Section 15164.)

BACKGROUND AND DISCUSSION

This hearing before the Board is to consider an appeal of the Zoning Administrator's November 23, 2005 decision to approve a minor modification to the approved use permit (#95070-UP). The proposed changes to the approved use permit were initiated last summer following discussions with county staff and state and federal agencies. During these discussions it was evident that minor changes to the lot configuration, street layout and pad elevations would reduce the environmental impacts, protect the site resources (minimize impacts to streams and reduce the amount of total site grading) and would result in a final project design that would comply with the requirements of state and federal agencies.

The parcels application history is as follows:

- 1 In 1973, a re-zoning (R-57273) from WR (Watershed Resource) to PC (Planned Community) and a use permit (U-207273) to establish a 103 unit mobile home park was denied by the Board.
- 1 In May 1977, the County received an application for a re-zoning from WR to PD (Planned Development) with a General Plan amendment and a use permit application for a 211 unit mobile home park, 109 enclosed boat storage spaces and other accessory uses.

- | In April 1978, the Board approved a General Plan amendment and re-zoning and referred the use permit application back to the Planning Commission to set conditions based on a revised development plan.
- | A note in the file specifies that the Board did not formally adopt the Ordinance for the rezoning at the time and later in March 1979, the Board formally adopted Ordinance 593 for the rezoning, approving a mobile home park, boat and trailer storage, medical facility, chapel and heliport.
- | Between 1980 and 1982, correspondence between the applicant and county indicates that the applicant was working on adjustments and minor revisions to approved project.
- | In October 1982, a minor modification to the project was approved for a 202 double wide mobile home site, 120 RV storage spaces, future medical office, chapel and heliport.
- | In 1989, an application submitted that would subdivide the proposed mobile home park to create 170 units and the applicant was informed that a re-zoning would be required.
- | In 1991, a re-zoning application was submitted and in 1994, the Board approved the re-zoning request.
- | In 1995, a revised project was submitted in the form of a new tentative map and planned development application to create 132 lots.
- | In 1996, the Planning Commission denied the use permit application and the subdivision (tentative map), and then the Board approved the use permit application and the subdivision with some modifications.

The applicant submitted a final map application in June, 2004, prior to the June 24, 2004 expiration of the tentative map. Public Works found this to be a timely submittal. On July 15, 2004 the Planning Department reviewed the submittal and made the preliminary determination that the map submitted was in substantial conformance with the approved tentative map, with minor changes. (The final determination of map conformity is made by the Board of Supervisors when the final map is brought before them). Referral comments were sent to the Department of Public Works in which planning staff attached recommendations to changes to the timing of the approved conditions of approval for the final map.

After submitting permits to the various state and federal agencies it became evident to the applicant that additional minor adjustments to the map and use permit would be required to conform to the regulations of these state and federal agencies. The applicant revised the original final map submittal in September 2004. Minor changes to the map are authorized in County Code, Section 17.26.040.B if approved by the Planning Department. Planning staff reviewed these changes and found that the map was still in substantial conformance with the approved tentative map. However, staff determined that a minor modification to the use permit was required for the other items specified in this application. The applicant submitted a formal request for a minor modification to the use permit in March, 2005. On November 23, 2005 the Zoning Administrator approved a minor modification to the use permit after conducting a noticed public hearing. The Zoning Administrator's action did not modify or approve the subdivision, since approval of the final subdivision map is the purview of the Board of Supervisors which must independently find that the final map is in substantial conformance to the approved tentative map.

The appellant has argued that the Zoning Administrator 1) improperly approved major modifications to the conditions of approval for the project's tentative map; 2) that the approval of the use permit modification was improper because it occurred prior to the formal approval by the Board of the tentative map; and 3) that the tentative map was invalid because they believe it has expired. These arguments are responded to below.

CURRENT STATUS AND ACTIONS REQUESTED BY THE BOARD OF SUPERVISORS: The Department of Conservation, Development, and Planning recommends that the Board of Supervisors adopt a motion of intent to deny the appeal and uphold the Zoning Administrator's decision to approve the use permit modification, and request that County Counsel prepare findings for adoption at a subsequent date. As the ZA hearing was not recorded electronically or by a certified court reporter, the Board should conduct a *de novo* hearing on appeal pursuant to Code Section 2.88.090.A.

Note: Staff considers that the use permit modification and final map are two separate approval processes. Before the Board today is an appeal of the Zoning Administrator's approval of the use permit modification, not the tentative

map or the final map. Compliance with the Subdivision Map Act, related County procedures, and the changes to the proposed tentative map may be taken up with the Board at a later date when they consider approval of the final map. Depending on the Board's decision regarding the final map, additional changes to the use permit may be required.

STATED BASIS FOR THE APPEAL AND STAFF RESPONSE: The following outlines the Basis of the Appeal as contained in the appellant's submittal. For convenience, staff has numbered each issue and provided a summary, but recommends the Board review the appeal for additional details.

Appeal Ground 1: The Zoning Administrator Improperly Approved Major Modifications to the Conditions of Approval to the Project's Tentative Map.

"First, we contend that the Zoning Administrator improperly approved major modifications to *the conditions of approval for the project's tentative map*. Neither the Subdivision Map Act (California Government Code § 66410 et seq.) (the "Map Act") nor the Napa County Code (the "Code") include provisions allowing for such major modifications to the tentative map without the resubmission of a new tentative map to the Planning Commission for approval, or approval with conditions.

"As indicated both in the public notice and staff report for the proposed approval, the decision at issue was intended to extend to modifications of the *use permit and development plan* for the project, pursuant to Napa County Code (the "Code") section 18.124.130(C). Code section 18.124.130(C) allows for the administrative approval of "minor modifications" to a *use permit*. However, it does not allow for modifications *to the conditions of approval to the tentative map*.

"The Code does allow for administrative approval of "minor changes" to an approved tentative map under Code section 17.02.380. However, the Code expressly states that a minor change does not include alterations to "improvements required in the tentative map and the conditions thereof." Napa County Code § 17.02.380. (emphasis added). The Zoning Administrator's approval of modifications to the conditions of the tentative map therefore *expressly violates the Code*. The Code apparently disallows the administrative approval of all modifications to the conditions a tentative map.

"Even if administrative modifications to the conditions of a tentative map were allowed by the Code, the approved modifications are unquestionably major rather than minor in nature. The Code provides that a "proposal that will significantly alter the configuration of the proposed lots is not a minor change." Napa County Code § 17.02.380. Here, the proposed modified conditions of approval reflect modifications of the lot lines of *all 100 parcels of the project*. Such a modification of the map and its conditions could hardly be seen as anything but a significant alteration. Moreover, as the use permit modifications state, the design of the project has been altered to accommodate single family homes rather than a *mobile home park*. The modification of a map involving all of its lots to provide an entirely different residential land use surely represents more than a minor change.

"The County's Department Report and Recommendation indicates that the project modifications have been made to reflect the requirements of various state agencies that must issue permits for the project. However, the fact that these agencies recommended modifications of the project does not diminish the fact that these changes are major in nature."

Staff response:

Staff agrees that the Zoning Administrator does not have the authority to make changes to the tentative map's conditions of approval. The Zoning Administrator's action on November 23, 2005 approved a minor modification to the use permit only. The ZA's action on the tentative map conditions was advisory only, and will be subject to final Board action on the final map. While the ZA did recommend that the condition changes were minor and should be approved, that remains a Board decision for a later date. Attached for reference is the staff report for the Zoning

Administrator's hearing which contains the revised conditions of approval for both the use permit and the tentative map.

Section 18.124.130.C of Napa County Code (the Code) authorizes that Director may administratively approve minor modifications to a use permit. This request was found to meet the provisions for a minor modification of the use permit. Significantly, the appellant has not challenged either the validity of the minor modification or any of the conditions included therein, only that the modification should not have moved forward do to their stated concerns regarding the tentative map. Once again, staff notes that issues pertaining to the approval of the final map would need to be addressed when the final map application goes before the Board of Supervisors at a future date. While a decision by the Board to invalidate the final map for whatever reason could ultimately make the use permit modification moot, there is no reason in practicality or in Code that prevent the two processes from proceeding independently.

Regarding the modification to the use permit, the Zoning Administrator found the proposed changes minor and beneficial. The request for the use permit modification does not substantially modify the approved use permit and does not the increase number of lots or the size the dwelling units. In some cases the lots are smaller and in some cases larger, where it is necessary to avoid trees and reduce the amount of grading. On the proposed larger lots non-disturbance areas are required and therefore no increase in the development area is proposed. The minor changes to overall layout provides for numerous sedimentation and filtration basins to mitigate runoff and better protect the water quality of Lake Berryessa. The location of the approved water intake system has been revised to further safeguard the Lake and to reduce the grading and tree removal. Impacts on environmental resources such as trees, wetlands and other waters are significantly reduced when compared to the original tentative map, including an increase in the area of wetland mitigation as required by State and Federal Agencies. Please refer to the attached Addendum. The changes in site work are described in the table below.

Site Grading and Areas of Disturbance:

	<u>Original</u>	<u>Modified</u>
Area of Disturbance	49.93 ac.	37.0 ac.
Wetland Impact	3,549 s.f.	69 s.f.
Total Lineal Feet of Impacts to "Other Waters"	5,392 feet	3,683 feet
Total Square Feet (Acreage) of "Other Waters Impacted"	10,315 s.f. (0.24 ac)	7,749 s.f. (0.18 ac)
Cut	432,700 cy	710,000 cy
Fill	878,340 cy	710,000cy
Import Fill	<u>445,640 cy</u>	<u>N/A</u>
TOTAL EARTHWORK	1,756,860 cy	1,420,000

The appellant has specified that all 100 lots lines are changing and therefore this does not constitute a minor change to the tentative map. They are correct that there are changes to all 100 lots, however the changes are considered to be minor and are designed to reduce the amount of total site grading and reduce the overall environmental impacts to the entire site. Those lots that are larger are required to have non-disturbance areas for the additional lot area and does not increase the actual development area of the approved lots. No changes in the approved dwelling unit size are proposed.

A minor change to the use permit per Napa County code 18.124.130.B authorizes the Zoning Administrator to approve minor changes to the use permit if the modification does not effect the project design or permit conditions

which do not change the overall concept, density, intensity or environmental impact of, or substantially alter or delete any environmental mitigation measure for the project.

Both the final map application and the use permit modification were referred to various federal, state and local agencies, who had no additional comments. The attached CEQA addendum provides the environmental determination.

In making this decision, the Zoning Administrator indicated that proposed changes to the use permit could be deemed a very minor modification to the use permit based on Section 18.124.130.B which do not affect the overall concept, density, intensity or environmental impact of, or substantially alter or delete any environmental mitigation measure for the project.

Changed conditions to the tentative map response:

The final map was submitted to the Department of Public Works on June 24, 2005 and referred to the Planning Department (CDPD), which is responsible to review the map for substantial conformance to the approved tentative map. Referral comments were sent the Department of Public Works on July 15, 2005 in which CDPD found the map in substantial conformance with minor changes as defined in Napa County Code 17.02.380. Staff also informed the applicant that a minor modification to the use permit would be required for the proposed minor changes which included changes to the approved use permit. The modification application was submitted to CDPD on August 19, 2005.

Though this decision is not before the Board today, staff notes that no conditions of approval for the map were deleted, and only the timing and phasing of the conditions was recommended to be changed to conform the realities of construction sequencing (i.e. a condition of approval for the tentative map required the installation of the street trees prior to recordation of the final map. It is neither desirable nor practical to install street trees prior to granting of an entitlement.) Therefore, planning staff has recommended the condition be modified with the approval of the final map to be revised to read:

1. Street trees shall be installed, prior to ~~recordation of the map~~ issuance of the first temporary occupancy or final occupancy for the first unit, clubhouse or fire station, whichever occurs first. A maximum separation distance for each tree shall be 60 feet on center and shall conform with the types specified in the Master Landscape Plan. The street trees shall be located within the street right-of-way. Should the developer phase the project, prior to temporary occupancy or final occupancy for the first unit of that phase, all street trees shall be installed for that phase, however the street trees at the entrance and along the main access road shall be installed prior to the first temporary or final occupancy of the first unit for the development. Any modifications shall be submitted for review and approval by the Planning Director. Fronting street trees shall be installed by the subdivider or his successors-in-interest prior to the granting of occupancy permit for the corresponding lot. Street trees shall be maintained by the subdivider unless and until a Community Services District is established pursuant to the conditions above.

The only other changes to the conditions of the approval were to update applicable code references, punctuation, grammar and spelling.

Appeal Ground 2: The Zoning Administrator Improperly Approved Modifications to the Use Permit Prior to Formal Approval of Modifications to the Tentative Map.

"The approved modifications to the use permit are premature because the County has yet to formally approve modifications to the tentative map. Nothing in the record reflects that any formal administrative approval of tentative map modifications has occurred to date. Although the staff report suggests that staff has reviewed the changes to the tentative map (Staff Report at p.2), the Code requires the Zoning Administrator to render a decision on a tentative map amendment within 30 days of filing (which in this case was March 17, 2005), but no such decision

has been documented. County Code § 17.26.040(B). Without a decision by the zoning administrator, an interested party has no recourse other than to object to this use permit modification, which modifies the conditions of the tentative map."

Staff response: As previously specified, a request for a modifications to the use permit and modifications to the tentative map are two separate processes and therefore two separate actions must be made. There is nothing in County Code that prevents consideration of a use permit modification in advance of a separate final map. There is no formal application process for a minor change to the tentative map. However, planning staff did send a memorandum to the DPW dated July 15, 2005 stating their preliminary finding that the changes proposed to the final map were minor and in substantial conformance with the approved tentative map. The final determination is made by the Board when the final map is heard at a future hearing.

Appeal Ground 3: The Zoning Administrator Improperly Approved Modifications to the Use Permit on the Basis of an Invalid Tentative Map.

"As our previous correspondence to the County has indicated, our position is that the tentative map expired on June 24, 2004 and that any attempt to amend the map after that date was in violation of the Map Act. The County has argued that the expiration of the tentative map has been tolled because a "development moratorium" has been created pursuant to Government Code section 66452.6(f) for the time period during which the applicant is obtaining state water resource permits. We do not agree with the County's interpretation of this provision. The time period during which a project applicant applies for and receives permits does not equate with the common sense definition of "development moratorium." Moreover, the Map Act defines such a moratorium as "actions of public agencies ... which *thereafter* prevents, prohibits, or delays the approval of a final or parcel map." *Id.* (emphasis added). The delay incurred in the process of *reviewing and approving a permit* does not amount to an *action* of a public agency that subsequently affects approval of final map. Rather, this process would have occurred regardless of any agency action subsequent to the approval of the tentative map.

"Here, the applicant was seeking a Joint Aquatic Resource Permit Application ("JARPA") under Sections 401 and 404 of the Clean Water Act and Section 1603 of the Fish and Game Code, but the fact that no such permit had issued prior to the tentative map expiration did not prevent the applicant from timely filing its final map, nor does this agency inaction fall within the statutory provisions for tolling under section 66452.6(f). See *In re Eastman Properties*, 935 F.2d 1071, 1082 (9th Cir. 1991).

"The record indicates that the client filed its JARPA on May 14, 2004, which is approximately *one month* prior to the expiration of the tentative map. The applicant had seven years from the approval of the initial tentative map on June 24, 1997 to secure approval of these permits. The applicant's tardiness in filing for permits that clearly require more than one month to process does not constitute a 'development moratorium.'"

Staff response: Appellant contends that the tentative map is invalid because it has expired. This decision is not before the Board today, as it was not before the Zoning Administrator. However, as more fully set forth below, staff disagrees with the appellant's position. The tentative map has not expired because the expiration date has been tolled in accordance with the provisions of Napa County Code section 17.18.010(C)[1] and subparagraphs (b) and (f) of Government Code section 66452.6.

A. The statutory definition of "development moratorium" applies in this instance.

Subparagraph (b)(1) of Government Code section 66452.6 provides that the life of a tentative map "shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years."

Subparagraph (f) of Government Code section 66452.6 defines a development moratorium as follows:

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies which regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action prior to expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency which owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency which owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency which owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

Appellant argues that the time period during which the project applicant applies for and receives outside agency permits does not equate with the common sense definition of "development moratorium." Yet the statute would so provide for a condition imposed by the County where the nature of the condition was such that that it necessitated action by the County when the County either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action prior to expiration of the tentative map. Clearly, if this definition of development moratorium applies to a condition over which the County must act but does not, then the definition would likewise apply to conditions that necessitate action by other public agencies. Further, intermediate actions, such as review and processing by public agencies, are clearly actions consistent with the definition.

To construe the section as appellant does is unfair to applicants. Applicants should not be penalized for processing time that is not under their control.

B. JARPA approval is required for the approval of the Final Map.

Appellant's reliance on *In re Eastport Associates* (1991) 935 F.2d 1071 in stating the JARPA application did not prevent a timely filing of the final map is misplaced.[2]

In the Eastport case, the City of Los Angeles approved a change in zone that would have allowed Eastport to construct a 500-unit subdivision on land Eastport owned in the Santa Monica Mountains on the condition that Eastport get the County of Los Angeles to provide land for a secondary access road. Without the access road, the change of zone would have allowed a subdivision for only 300 units. Eastport filed a tentative map for a 500-unit subdivision that was approved with the secondary access road condition. The County ultimately refused to convey the property. The Court held that the County's action did not in itself prevent Eastport from filing a final map because it still could have submitted a map for 300 units.

Such is not the case here. JARPA approval is necessary for the final map to be approved.

C. Government Code section 66452.6(b)(3) provides for a moratorium that is imposed even shortly before the expiration of a tentative map.

Subparagraph (b)(3) of Government Code section 66452.6 provides: "Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium." The applicant is not prohibited from submitting a JARPA application one month before the expiration of the tentative map as appellant contends. The processing time constitutes tolling time as a development moratorium. The clock stopped when the JARPA application was submitted. The time spent processing the JARPA does not count. When the clock starts again, if less than 120 days remains (as would be the case here), the tentative map shall remain valid for an additional 120 days.

D. The Validity of the Tentative Map is not Appealable at this time.

The request before the Zoning Administrator was a modification of the use permit – not a determination of whether the tentative map had expired. Therefore, the validity of the tentative map is not appealable at this time. The proper time to challenge the validity of the tentative map is when the Final Map is presented to the Board of Supervisors.

RECOMMENDATIONS: Staff recommends the Board adopt a motion of intent to DENY the appeal, upholding the Zoning Administrator's decision based on the conclusions in the above staff report staff, and information presented in the record. The Board should continue the hearing to date determined by the Clerk of the Board to allow preparation of findings by County Counsel.

[1] Napa County Code section 17.18.010(C) provides that the period of time for filing a parcel or final map shall not include that period of time identified in subparagraphs (b) and (f) of section 66452.6 of the Government Code.

[2] Appellant miscites the case as In re Eastman Properties.

SUPPORTING DOCUMENTS

- A . Zoning Administrator's staff report
- B . Addendum to a supplemental Mitigated Negative Declaration to Environmental Impact
- C . Conditions of approval for Use permit & tentative map w/ track changes
- D . Referral comments from Planning Dept. to Public Works
- E . Approved Tentative Map and Preferred Layout
- F . Application for minor use permit modification
- G . Letter from Farella Braun + Martell, LLP dated February 14, 2006
- H . Letter from Jeff Redding dated February 14, 2006

CEO Recommendation: Approve

Reviewed By: Andrew Carey